

RECEIVED
CENTRAL FAX CENTER

Serial No. 10/706,437
Page 5

OCT 03 2006

REMARKS

Claims 1-12, 20-25 are pending in the application. No Claim stands allowed. Claim 1 is amended to overcome rejection under 35 USC § 103(a) as being unpatentable over Kiang (U.S. Patent No. 5,370,941). Claims 13-19 were previously cancelled. New claims 20-25 are added. No new matter is added. Support for the amended claim 1 and new claims 20-25 can be found throughout the specification, particularly paragraphs [0007] and [0020] on respective pages 2 and 7 and Table II.

Favorable reconsideration and allowance are requested in light of the foregoing remarks which follow.

1. Interview Acknowledgment

Applicants thank Examiner Patterson for the courtesies extended to Applicant's representative during September 27, 2006 telephonic interview. During the interview, the differences between the claimed invention and Kiang (U.S. Patent No. 5,370,941) were discussed. It was decided that the Applicants amend claim 1 so that the amended claimed invention better define a patentable subject matter. Examiner Patterson appeared to agree with the Applicants that the amended claim 1 feature was not taught or suggested by Kiang (U.S. Patent No. 5,370,941). The substance of the interview is summarized in the following remarks.

During the telephonic interview on September 27, 2006, Applicants and Applicant's representative discussed that:

- 1) the present invention discloses the use of poly (1-methylpentene) (PMP) and poly (propylene) (PP) homopolymers in a 3 layer structure. First, paperboard is used to give the

Serial No. 10/706,437
Page 6

overall package rigidity. Nylon (polyamide) is then applied to the paperboard, which provides further rigidity and grease resistance. Since PMP and PP are difficult to adhere to paper, the Applicants decided to use the nylon in this place. Since PP and/or PMP will not adhere directly to nylon, the Applicant applied a tie layer between these two layers. Finally, a physical blend of PP and PMP homopolymers is applied as the final, food-contact layer.

2) it was noted that it is very difficult to achieve adequate adhesion between PMP and the tie layer material. So, this is part of the reason that we decided to use a physical blend of PP with PMP.

3) PMP is also difficult to extrude by itself since its viscosity is so low. This will cause the material to "surge" during processing, which will create high and low coat weights in the product contact layer. Therefore, PP is added to provide more favorable processing.

4) The key differences between Kiang (U.S. Patent No. 5,370,941) and the present invention:

a. First, Kiang discloses a multi-layered structure. In one or more layers, Kiang's patent contains PMP and possibly a copolymer of 1-methylpentene and propylene or another olefin. This new material would be designated poly (methylpentene-co-propylene). This new material will have different physical and chemical properties than either poly (methylpentene) or poly (propylene) homopolymers. The copolymer will offer a true average of the properties of the two homopolymers. On the other hand, the physical blend of polymethylpentene and polypropylene in the present invention will consist of areas high in polypropylene concentration, areas high in polymethylpentene concentration, and areas of in

Serial No. 10/706,437
Page 7

between concentrations. Each of these areas will have different melting temperatures, surface tensions, and physical properties.

b. The Kiang patent discloses a barrier layer, poly (ethylene-co-vinyl alcohol) (EVOH) as the barrier layer, but does not designate how this barrier is used (i.e. grease, oxygen, etc.). Kiang also discloses that the paperboard contact layer can either be the EVOH or the PMP.

2. **Rejection of claims under 35 USC § 103(a) as being unpatentable over Kiang (U.S. Patent No. 5,370,941).**

Claim 1 is amended to overcome rejection of claims 1-12 under 35 USC § 103(a) as being unpatentable over Kiang (U.S. Patent No. 5,370,941). The amended claim 1 recited a food contact release layer comprising a physical blend of polymethylpentene and polypropylene bonded to one side of the substrate. The relative proportion of polymethylpentene and polypropylene in the physical blend are such that the blend of polymethylpentene and polypropylene exhibits softening and melting point greater than softening and melting point of polypropylene. The physical blend of polymethylpentene and polypropylene of the present invention exhibits softening and melting points greater than 300 °F. However, Kiang fails to disclose a food contact release layer comprising a physical blend of polymethylpentene and polypropylene having softening and melting point greater than softening and melting point of polypropylene. Therefore, Kiang does not provide an apparent basis for concluding a person of ordinary skill in the art would be motivated to modify the cited reference so as to arrive at the claimed invention with a reasonable expectation of success in achieving the advantages of the claimed invention. Therefore, this rejection is inappropriate and should be withdrawn. Thus, the

Serial No. 10/706,437
Page 8

amended independent claim 1 defines a patentable subject matter and each of claims 2-12, and 20-25 are dependent, either directly or indirectly upon amended claim 1 and therefore inherits each and every element of their parent claim and any intervening claim(s).

Serial No. 10/706,437
Page 9

RESERVED
CENTRAL PARK CENTER

OCT 03 2008

CONCLUSION

Therefore, Applicants respectfully submit that the amended independent claim 1 particularly define and patentably distinguish the present invention over the cited references. In addition, all of the dependent claims which depend from amended claim 1 also define a patentable subject matter. Accordingly, reconsideration of the rejections and allowance of claims 1-12 and 20-25 are earnestly requested. However, should the Examiner have any remaining questions and the attending to of which would expedite such action, the Examiner is invited to contact the undersigned at the telephone number listed below.

A two month extension of time is believed to be required. The Commissioner is authorized to charge any fees associated with this or any other communication, or credit any overpayment, to Deposit Account No. 09-0525.

Date: October 03, 2006

Respectfully submitted,
By: Matthew M. Eslami
Matthew M. Eslami
Reg. No. 45,488
Patent Agent for Applicant
International Paper Company
6285 Tri-Ridge Boulevard
Loveland, Ohio 45140
Tel: (513) 248-6193
Fax: (513) 248-6455
e-mail: matt.eslami@ipaper.com